
Kristina D. Lawson, J.D., Chair
Panel B

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Attorneys for Complainant

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOHN PETER SERRA, M.D.
4926 Canterbury Dr.
San Diego, CA 92116

**Physician's and Surgeon's Certificate No. A
108846**

Respondent.

Case No. 8002017035177

OAH No. 2018010140

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
of California (Board). She brought this action solely in her official capacity and is represented in
this matter by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn,
Deputy Attorney General.

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2. Respondent John Peter Serra, M.D. (Respondent) is represented in this proceeding by attorney David M. Balfour Esq., whose address is: 1925 Palomar Oaks Way, Suite 220 Carlsbad, CA 92008.

JURISDICTION

3. On or about July 8, 2009, the Board issued Physician's and Surgeon's Certificate No. A 108846 to John Peter Serra, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 8002017035177, and will expire on February 28, 2019, unless renewed.

4. On or about December 12, 2017, Accusation No. 8002017035177 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about December 12, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 8002017035177 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Accusation No. 8002017035177. Respondent has also carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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15. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as originals.

DISCIPLINARY ORDER

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of

1 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
2 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
3 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
4 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
5 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
6 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
7 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of
8 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
9 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
10 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
11 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
12 non-adoption of the proposed decision, requests for reconsideration, remands and other
13 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
14 reduction of the probationary time period.

15 If the Board does not file an accusation or petition to revoke probation within 30 days of the
16 issuance of the notification to cease practice or does not provide Respondent with a hearing
17 within 30 days of a such a request, the notification of cease practice shall be dissolved.

18 2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the
19 use of products or beverages containing alcohol.

20 If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall
21 receive a notification from the Board or its designee to immediately cease the practice of
22 medicine. The Respondent shall not resume the practice of medicine until the final decision on an
23 accusation and/or a petition to revoke probation is effective. An accusation and/or petition to
24 revoke probation shall be filed by the Board within 30 days of the notification to cease practice.
25 If the Respondent requests a hearing on the accusation and/or petition to revoke probation, the
26 Board shall provide the Respondent with a hearing within 30 days of the request, unless the
27 Respondent stipulates to a later hearing. If the case is heard by an Administrative Law Judge
28 alone, he or she shall forward a Proposed Decision to the Board within 15 days of submission of

1 the matter. Within 15 days of receipt by the Board of the Administrative Law Judge's proposed
2 decision, the Board shall issue its Decision, unless good cause can be shown for the delay. If the
3 case is heard by the Board, the Board shall issue its decision within 15 days of submission of the
4 case, unless good cause can be shown for the delay. Good cause includes, but is not limited to,
5 non-adoption of the proposed decision, requests for reconsideration, remands and other
6 interlocutory orders issued by the Board. The cessation of practice shall not apply to the
7 reduction of the probationary time period.

8 If the Board does not file an accusation or petition to revoke probation within 30 days of the
9 issuance of the notification to cease practice or does not provide Respondent with a hearing
10 within 30 days of such a request, the notification of cease practice shall be dissolved.

11 3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to
12 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.
13 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair
14 follicle testing, or similar drug screening approved by the Board or its designee. Prior to
15 practicing medicine, Respondent shall contract with a laboratory or service approved in advance
16 by the Board or its designee that will conduct random, unannounced, observed, biological fluid
17 testing. The contract shall require results of the tests to be transmitted by the laboratory or
18 service directly to the Board or its designee within four hours of the results becoming available.
19 Respondent shall maintain this laboratory or service contract during the period of probation.

20 A certified copy of any laboratory test result may be received in evidence in any
21 proceedings between the Board and Respondent.

22 If Respondent fails to cooperate in a random biological fluid testing program within the
23 specified time frame, Respondent shall receive a notification from the Board or its designee to
24 immediately cease the practice of medicine. The Respondent shall not resume the practice of
25 medicine until the final decision on an accusation and/or a petition to revoke probation is
26 effective. An accusation and/or petition to revoke probation shall be filed by the Board within 30
27 days of the notification to cease practice. If the Respondent requests a hearing on the accusation
28 and/or petition to revoke probation, the Board shall provide the Respondent with a hearing within

1 30 days of the request, unless the Respondent stipulates to a later hearing. If the case is heard by
2 an Administrative Law Judge alone, he or she shall forward a Proposed Decision to the Board
3 within 15 days of submission of the matter. Within 15 days of receipt by the Board of the
4 Administrative Law Judge's proposed decision, the Board shall issue its Decision, unless good
5 cause can be shown for the delay. If the case is heard by the Board, the Board shall issue its
6 decision within 15 days of submission of the case, unless good cause can be shown for the delay.
7 Good cause includes, but is not limited to, non-adoption of the proposed decision, requests for
8 reconsideration, remands and other interlocutory orders issued by the Board. The cessation of
9 practice shall not apply to the reduction of the probationary time period.

10 If the Board does not file an accusation or petition to revoke probation within 15 days of the
11 issuance of the notification to cease practice or does not provide Respondent with a hearing
12 within 30 days of such a request, the notification of cease practice shall be dissolved.

13 4. PSYCHIATRIC EVALUATION. Within 30 calendar days of the effective date of
14 this Decision, and on whatever periodic basis thereafter may be required by the Board or its
15 designee, Respondent shall undergo and complete a psychiatric evaluation (and psychological
16 testing, if deemed necessary) by a Board-appointed board certified psychiatrist, who shall
17 consider any information provided by the Board or designee and any other information the
18 psychiatrist deems relevant, and shall furnish a written evaluation report to the Board or its
19 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not
20 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all
21 psychiatric evaluations and psychological testing.

22 Respondent shall comply with all restrictions or conditions recommended by the evaluating
23 psychiatrist within 15 calendar days after being notified by the Board or its designee.

24 5. PSYCHOTHERAPY. Within 60 calendar days of the effective date of this Decision,
25 Respondent shall submit to the Board or its designee for prior approval the name and
26 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who
27 has a doctoral degree in psychology and at least five years of postgraduate experience in the
28 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall

1 undergo and continue psychotherapy treatment, including any modifications to the frequency of
2 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

3 The psychotherapist shall consider any information provided by the Board or its designee
4 and any other information the psychotherapist deems relevant and shall furnish a written
5 evaluation report to the Board or its designee. Respondent shall cooperate in providing the
6 psychotherapist with any information and documents that the psychotherapist may deem
7 pertinent.

8 Respondent shall have the treating psychotherapist submit quarterly status reports to the
9 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric
10 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of
11 probation, Respondent is found to be mentally unfit to resume the practice of medicine without
12 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the
13 period of probation shall be extended until the Board determines that Respondent is mentally fit
14 to resume the practice of medicine without restrictions.

15 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

16 6. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the
17 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice
18 where: 1) Respondent merely shares office space with another physician but is not affiliated for
19 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that
20 location.

21 If Respondent fails to establish a practice with another physician or secure employment in
22 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
23 Respondent shall receive a notification from the Board or its designee to cease the practice of
24 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
25 practice until an appropriate practice setting is established.

26 If, during the course of the probation, the Respondent's practice setting changes and the
27 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent
28 shall notify the Board or its designee within five (5) calendar days of the practice setting change.

1 If Respondent fails to establish a practice with another physician or secure employment in an
2 appropriate practice setting within 60 calendar days of the practice setting change, Respondent
3 shall receive a notification from the Board or its designee to cease the practice of medicine within
4 three (3) calendar days after being so notified. The Respondent shall not resume practice until an
5 appropriate practice setting is established.

6 7. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
7 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
8 Chief Executive Officer at every hospital where privileges or membership are extended to
9 Respondent, at any other facility where Respondent engages in the practice of medicine,
10 including all physician and locum tenens registries or other similar agencies, and to the Chief
11 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
12 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
13 calendar days.

14 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

15 8. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE
16 NURSES. During probation, Respondent is not prohibited from supervising physician assistants
17 and advanced practice nurses.

18 9. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
19 governing the practice of medicine in California and remain in full compliance with any court
20 ordered criminal probation, payments, and other orders.

21 10. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
22 under penalty of perjury on forms provided by the Board, stating whether there has been
23 compliance with all the conditions of probation.

24 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
25 of the preceding quarter.

26 11. GENERAL PROBATION REQUIREMENTS.

27 Compliance with Probation Unit

28 Respondent shall comply with the Board's probation unit.

1 Address Changes

2 Respondent shall, at all times, keep the Board informed of Respondent's business and
3 residence addresses, email address (if available), and telephone number. Changes of such
4 addresses shall be immediately communicated in writing to the Board or its designee. Under no
5 circumstances shall a post office box serve as an address of record, except as allowed by Business
6 and Professions Code section 2021(b).

7 Place of Practice

8 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
9 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
10 facility.

11 License Renewal

12 Respondent shall maintain a current and renewed California physician's and surgeon's
13 license.

14 Travel or Residence Outside California

15 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
16 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
17 (30) calendar days.

18 In the event Respondent should leave the State of California to reside or to practice,
19 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
20 departure and return.

21 12. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
22 available in person upon request for interviews either at Respondent's place of business or at the
23 probation unit office, with or without prior notice throughout the term of probation.

24 13. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
27 defined as any period of time Respondent is not practicing medicine as defined in Business and
28 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct

1 patient care, clinical activity or teaching, or other activity as approved by the Board. If
2 Respondent resides in California and is considered to be in non-practice, Respondent shall
3 comply with all terms and conditions of probation. All time spent in an intensive training
4 program which has been approved by the Board or its designee shall not be considered non-
5 practice and does not relieve Respondent from complying with all the terms and conditions of
6 probation. Practicing medicine in another state of the United States or Federal jurisdiction while
7 on probation with the medical licensing authority of that state or jurisdiction shall not be
8 considered non-practice. A Board-ordered suspension of practice or a cease practice order shall
9 not be considered as a period of non-practice.

10 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
11 months, Respondent shall successfully complete the Federation of State Medical Boards' Special
12 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program
13 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model
14 Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

15 Respondent's period of non-practice while on probation shall not exceed two (2) years.

16 Periods of non-practice will not apply to the reduction of the probationary term.

17 Periods of non-practice for a Respondent residing outside of California will relieve
18 Respondent of the responsibility to comply with the probationary terms and conditions with the
19 exception of this condition and the following terms and conditions of probation: Obey All Laws;
20 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or
21 Controlled Substances; and Biological Fluid Testing.

22 14. COMPLETION OF PROBATION. Respondent shall comply with all financial
23 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
24 completion of probation. Upon successful completion of probation, Respondent's certificate shall
25 be fully restored.

26 15. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
27 of probation is a violation of probation. If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and

1 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
2 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
3 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
4 the matter is final.

5 16. LICENSE SURRENDER. Following the effective date of this Decision, if
6 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
7 the terms and conditions of probation, Respondent may request to surrender his or her license.
8 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
9 determining whether or not to grant the request, or to take any other action deemed appropriate
10 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
11 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
12 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
13 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
14 application shall be treated as a petition for reinstatement of a revoked certificate.

15 17. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
16 with probation monitoring each and every year of probation, as designated by the Board, which
17 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
18 California and delivered to the Board or its designee no later than January 31 of each calendar
19 year.

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DATED:

DATED:

DAVID M. BALFOUR ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: May 13, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 8002017035177

1 XAVIER BECERRA
2 Attorney General of California
3 MATTHEW M. DAVIS
4 Supervising Deputy Attorney General
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14 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Dec. 12 20 17
BY Sara Pasion ANALYST

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**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 8002017035177

**John Peter Serra, M.D.
Department of Emergency Medicine
200 W. Arbor Drive
San Diego, CA 92103**

ACCUSATION

**Physician's and Surgeon's Certificate
No. A 108846,**

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about July 8, 2009, the Medical Board issued Physician's and Surgeon's Certificate Number A 108846 to John Peter Serra, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, be publicly reprimanded, or have such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states, in pertinent part:

"The board shall take action against any licensee who is charged with unprofessional conduct.¹ In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

"..."

6. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

"(b) The district attorney, city attorney, or other prosecuting agency shall notify the Medical Board of the pendency of an action against a licensee charging a felony or misdemeanor immediately upon obtaining information that the defendant is a licensee. The notice shall identify the licensee and describe the crimes charged and the facts alleged. The prosecuting agency shall also notify the clerk of the court in which the action is pending that the defendant is a licensee,

¹ Unprofessional conduct under California Business and Professions Code section 2234 is conduct which breaches the rules of ethical code of the medical profession, or conduct which is unbecoming to a member in good standing of the medical profession, and which demonstrates an unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

1 and the clerk shall record prominently in the file that the defendant holds a license as a physician
2 and surgeon.

3 “(c) The clerk of the court in which a licensee is convicted of a crime shall, within 48 hours
4 after the conviction, transmit a certified copy of the record of conviction to the board. The
5 division may inquire into the circumstances surrounding the commission of a crime in order to fix
6 the degree of discipline or to determine if the conviction is of an offense substantially related to
7 the qualifications, functions, or duties of a physician and surgeon.

8 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
9 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
10 shall be conclusive evidence of the fact that the conviction occurred.”

11 7. California Code of Regulations, title 16, section 1360, states:

12 “For the purposes of denial, suspension or revocation of a license, certificate or permit
13 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
14 considered to be substantially related to the qualifications, functions or duties of a person holding
15 a license, certificate or permit under the Medical Practice Act if to a substantial degree it
16 evidences present or potential unfitness of a person holding a license, certificate or permit to
17 perform the functions authorized by the license, certificate or permit in a manner consistent with
18 the public health, safety or welfare. Such crimes or acts shall include but not be limited to the
19 following: Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
20 violation of, or conspiring to violate any provision of the Medical Practice Act.”

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1 8. Section 822 of the Code states:

2 "If a licensing agency determines that its licensee's ability to practice his or
3 her profession safely is impaired because the licensee is mentally ill, or physically ill
4 affecting competency, the licensing agency may take action by any one of the following
5 methods:

6 "(a) Revoking the licensee's certificate or license.

7 "(b) Suspending the licensee's right to practice.

8 "(c) Placing the licensee on probation.

9 "(d) Taking such other action in relation to the licensee as the licensing
10 agency in its discretion deems proper.

11 "..."

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of a Crime Substantially related to the Qualifications, Functions, or**
14 **Duties of a Physician and Surgeon)**

15 9. Respondent has subjected his Physician's and Surgeon's Certificate No. A108846 to
16 disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in that
17 he has been convicted of a crime substantially related to the qualifications, functions, or duties of
18 a physician and surgeon. The circumstances are as follows:

19 10. On or about August 1, 2017, a criminal complaint was filed against
20 respondent in the case entitled *The People of the State of California v. John Peter Serra, Superior*
21 *Court of California, County of San Diego*, Case No. CD272994, charging Respondent with the
22 following three felony violations:

23 (a) One count of Penal Code section 273a, subdivision (a), [Child Abuse];

24 (b) One count of Penal Code sections 237, subdivision (a), [False Imprisonment by
25 Violence, Menace, Fraud, Deceit]; and

26 (c) One count of Penal Code sections 664 and 422 [Attempted Criminal Threat].

27 11. On or about October 18, 2017, Defendant pled guilty to count three, a violation of
28 Penal Code sections 664 and 422, Attempted Criminal Threat, a felony.

1 12. On or about November 20, 2017, Respondent was sentenced to, among other
2 things, three years of probation, various restrictions on his ability to practice medicine, and
3 fines and fees.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Violation of the Medical Practice Act)**

6 13. Respondent has further subjected his Physician's and Surgeon's Certificate No.
7 A108846 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
8 subdivision (a), of the Code, in that he has violated or attempted to violate, directly or indirectly,
9 or assisted in or abetted the violation of, or conspired to violate a provision of the Medical Practices
10 Act, as more particularly alleged hereinafter:

11 (a) Paragraphs 9 through 12, above, are hereby incorporated by reference and
12 realleged as if fully set forth herein.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(General Unprofessional Conduct)**

15 14. Respondent has further subjected his Physician's and Surgeon's Certificate No.
16 A108846 to disciplinary action under sections 2227 and 2234, as defined by section 2234 of the
17 Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical
18 profession, or conduct which is unbecoming to a member in good standing of the medical
19 profession and which demonstrates an unfitness to practice medicine, as more particularly alleged
20 hereinafter:

21 (a) Paragraphs 9 through 13, above, are hereby incorporated by reference and
22 realleged as if fully set forth herein.

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2 **SECTION 822 CAUSE FOR ACTION**

3 **(Physical or Mental Illness Affecting Competency)**

4 15. Respondent's Physician's and Surgeon's Certificate No. A108846 is subject to action
5 under section 822 of the Code in that he suffers from a mental and/or physical illness affecting
6 competency as more particularly alleged hereinafter:

7 16. On or about October 9, 2017, Respondent voluntarily appeared for a mental
8 evaluation, pursuant to section 820 of the Code, with Dr. A.A. On or about October 27, 2017, Dr.
9 A.A. issued his section 820 report and found that Respondent suffers from a mental illness or
10 condition that impact his ability to safely engage in the practice of medicine.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Medical Board of California issue a decision:

14 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 108846,
15 issued to John Peter Serra, M.D.;

16 2. Revoking, suspending or denying approval of John Peter Serra, M.D.'s authority to
17 supervise physician assistants and advanced practice nurses;

18 3. Ordering John Peter Serra, M.D., if placed on probation, to pay the Board the costs of
19 probation monitoring; and

20 4. Taking such other and further action as deemed necessary and proper.

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22 DATED: December 12, 2017

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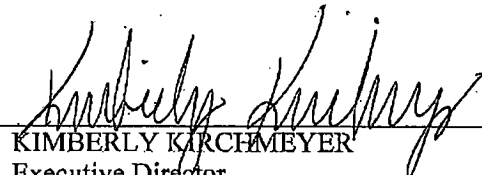
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KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant